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NEWS RELEASE

April 7, 2006

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SUPREME COURT SESSION COMES TO UM

MISSOULA —

Can the state claim a vehicle if, after it was already impounded, authorities discover it was used for drug trafficking?

That's the issue facing the Montana Supreme Court in a formal session to be held Friday, April 21, at The University of Montana. The court will hear "State of Montana vs. Erik A. Branam" at 9:30 a.m. in the University Theatre. The event is free and open to the public.

The case involves the state's attempt to forfeit Branam's vehicle, along with an assault rifle and \$44,000 found inside. Under civil forfeiture laws, the state can take property if a preponderance of evidence establishes it was used in drug trafficking.

A trial judge dismissed the case, ruling no probable cause existed to connect Branam to drug trafficking at the time a sheriff's deputy seized his vehicle without a search warrant. The judge ruled that any evidence connecting Branam to drug trafficking was discovered after the vehicle already had been seized. The state appealed that decision to the Montana Supreme Court.

For more information, call the UM School of Law at (406) 243-4311.

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